

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CIVIL CASE NO. 1:10cv239**

**BRIAN K. NEWTON,**

**Plaintiff,**

**vs.**

**MICHAEL J. ASTRUE,  
Commissioner of Social Security,**

**Defendant.**

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**ORDER**

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**THIS MATTER** is before the Court *sua sponte* upon the Court's being informed of the death of the counsel for Plaintiff, Mr. George L. Fitzgerald.

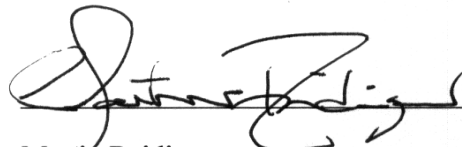
The Court has been informed that Mr. Fitzgerald's last illness began April 25, 2011 and resulted in his death on May 7, 2011. Mr. Fitzgerald was a solo practitioner. Actions have been undertaken with the North Carolina State Bar regarding the dissolution of Mr. Fitzgerald's practice and the transfer of representation of his clients.

In order to allow for such orderly transition and to facilitate the administration of justice, it is therefore **ORDERED**:

That this matter is **STAYED** *nunc pro tunc* to April 25, 2011, up to and including July 25, 2011 or further order of this Court, whichever may occur first.

**IT IS SO ORDERED.**

Signed: May 10, 2011

  
Martin Reidinger  
United States District Judge

